

EXHIBIT A

1 ** C O N F I D E N T I A L **

2 ** ATTORNEYS' EYES ONLY **

3 UNITED STATES DISTRICT COURT

4 NORTHERN DISTRICT OF CALIFORNIA

5 SAN FRANCISCO DIVISION

6 Case No. 3:20-CV-04688-RS

7 -----x

8 ANIBAL RODRIGUEZ, et al. individually
and on behalf of all others similarly
situated,

9 Plaintiff,

10 - against -
11

12 GOOGLE LLC,
13

14 Defendant.
15

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June 26, 2023

16 10:05 a.m.
17

18 Videotaped Deposition of JONATHAN
19 HOCHMAN, taken by Defendant, pursuant to
20 Notice, held at the offices of Willkie Farr
21 & Gallagher LLP, 787 Seventh Avenue, New
22 York, New York, before Todd DeSimone, a
23 Registered Professional Reporter and Notary
24 Public of the State of New York.
25

1 this report?

2 A. Not yet.

3 Q. Okay. I want to ask you some
4 questions about the limits of your opinions
5 in the case, if I can.

6 So are you offering any opinion
7 in this case as to what consumers believed
8 or expected?

9 A. I don't think so. That doesn't
10 sound like something I've opined about.
11 Maybe as we go through the report we will
12 find something I've said, but that doesn't
13 seem to be one of the main things I was
14 opining about, no.

15 Q. Are you an expert in consumer
16 expectations?

17 A. Well, I have expertise in
18 internet marketing, internet security, so I
19 know something about consumers and consumer
20 behavior online, and, well, I will give you
21 an example, if you have a setting in a
22 piece of software, I might sometimes
23 comment, you know, most people will use
24 software with the default settings, all
25 right, because that's kind of a well-known

1 and saving the WAA-off and sWAA-off data at
2 issue in this case."

3 A. Yes.

4 Q. Setting aside whether Google
5 has presented a control in my account for
6 that, to the extent users review a privacy
7 policy from a developer that discloses the
8 use of Google Analytics, isn't one way for
9 them to avoid the collection to not use the
10 app?

11 A. I think that that is a very
12 heavy lift for the user to understand,
13 using Google Analytics -- we are using
14 Google Analytics for Firebase and the user
15 would now need to understand that that SDK
16 is ignoring their WAA-off and sWAA-off
17 settings. The simplest explanation there
18 is for the user to just imagine, that's
19 okay, you can use that because I have set
20 WAA and sWAA-off, and I'm not being
21 tracked.

22 Q. So in your view a user who
23 reviewed a privacy policy that disclosed
24 the use of Google Analytics for Firebase
25 would conclude that the sWAA button

1 overrides that?

2 MR. MAO: Objection, vague.

3 But go ahead.

4 A. So, one, I'm not here I don't
5 think to testify about user perceptions. I
6 mean, I mentioned it in passing a few
7 places. We have covered this.

8 Q. I didn't think so, but you did
9 just kind of say something about it, so I
10 just want to understand.

11 A. Yeah, so, no, what this is
12 saying is from a technical perspective
13 there is no button there that will stop
14 that data collection.

15 Q. Okay. That's the extent of the
16 opinion?

17 A. That's the extent of the
18 opinion.

19 Q. Okay. Let's talk about --

20 A. I've just lost my connection,
21 which is going to hinder people on Zoom
22 from watching.

23 MR. SANTACANA: Let's go off
24 for a second.

25 THE VIDEOGRAPHER: The time is

1 have already told you that not sending the
2 data at all may be what the user is
3 expecting.

4 If that's what they are
5 expecting, they are also, you know, the
6 users can have different concerns. Some
7 users -- well, let me -- let me walk it
8 back.

9 I don't know what the users are
10 thinking. I haven't studied or surveyed
11 that, okay? I really shouldn't even
12 speculate about it. The user -- if the
13 user's expectation is nothing is to be sent
14 and nothing is to be saved, then obviously
15 sending doesn't really work, okay? But if
16 somehow someone finds a different way, you
17 know, is it better to save only for a short
18 time versus saving for a longer time versus
19 saving permanently? You know, the longer
20 you save the data, potentially the greater
21 the risk. But I don't think that's
22 determinative in this case at all.

23 Q. Did you say I don't think
24 that's determinative?

25 A. Determinative. Because I don't

CERTIFICATION

I, TODD DeSIMONE, a Notary Public for
and within the State of New York, do hereby
certify:

That the witness whose testimony as
herein set forth, was duly sworn by me; and
that the within transcript is a true record
of the testimony given by said witness.

I further certify that I am not related
to any of the parties to this action by
blood or marriage, and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 26th day of June, 2023.



TODD DESIMONE

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